



FBI FISH & RICHARDSON P.C.

SUBSTITUTE PTO/SB/64A

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED FOR FAILURE TO NOTIFY THE OFFICE OF A FOREIGN  
OR INTERNATIONAL FILING (37 CFR 1.137(f))**

Docket Number (Optional)  
12587-007001

First named inventor: Marc F. Hayes, Jr. et al.

Application No.: 09/876,563

Art Unit: 3625

Filed: 6/7/2001

Examiner: Robert E. Rhode, Jr.

Title: CUSTOMER MESSAGING SERVICE

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703)872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703)305-9282.

The above-identified application became abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country or under a multinational international treaty that requires publication of applications eighteen months after filing. The date of abandonment is the day after the expiration date of the forty-five (45) day period set in 35 U. S. C. 122(b)(2)(B)(iii).

**PURSUANT TO 37 CFR 1.137(f), APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION  
UNDER 37 CFR 1.137(b)**

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity -fee \$1500.00 (37 CFR 1.17(m))

**2. Notice of Foreign or International Filing (35 U. S. C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c))**

Subsequent to the filing of the above-identified application, an application was filed in another country, or under a multinational international treaty (e. g., filed under the Patent Cooperation Treaty), that requires publication of applications eighteen months after filing. The filing date of the subsequently-filed foreign or international application is June 5, 2002, (PCT/US02/17767).

12/21/2004 AWONDAF1 00000010 09876563

01 FC:1453

1500.00 OP

STATEMENT: The entire delay in filing the required notice of a foreign or international filing from the due date for the required notice until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

12/17/2004

Date

J. Robin Rohlick

Signature

Telephone

Number:

(617) 542-5070

J. Robin Rohlick, J.D., Ph.D.

Typed or printed name

Fish & Richardson P.C. (Boston), Boston, MA, 02110-2804

Address

Enclosures:

Fee payment

Other:

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

12/17/2004

Date

Terri L. Knox

Signature

Terri L. Knox

Type or printed name of person signing certificate